

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

I. LISTING OF CLAIMS:

1-22. (canceled).

23. (currently amended): A *Mycobacterium* promoter, wherein the promoter is stable in *M. smegmatis* and *E. coli*, and consists of SEQ ID NO:2, a 200 base pair fragment upstream and proximal to the start codon of the *Mycobacterium tuberculosis* *relA*/*SpoT* coding sequence.

24. (canceled).

25. (currently amended): The *Mycobacterium* promoter of claim 2423, wherein the promoter is operatively linked to a reporter gene ~~said reporter gene~~ is LacZ.

26. (currently amended): The *Mycobacterium* promoter of claim 2423, wherein the promoter is operatively linked to a reporter gene ~~said reporter gene~~ is xylE.

27. (currently amended): The *Mycobacterium* promoter of claim 2423, wherein the promoter is 2.5 fold more active in *M. smegmatis* than a heat shock protein 60 promoter, P_{hsp60}.

28 (currently amended): The *Mycobacterium* promoter of claim 2423, wherein the promoter is further contained in a plasmid with an Ampicillin or Kanamycin resistance marker.

29.-30. (canceled).